

## **EXHIBIT B**



## Cover Sheet

DAO-DCT Case Command :550

DAO-DCT Case Number :2020-22176



NYPD V. POLICE OFFICER MICHAEL SHER (951244) 2020-22176

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**CHARGES AND SPECIFICATIONS**  
 PD 468-121 (Rev. 1-02)-Pent

LAB-073

 Date  
 06/11/2020

|  |            |                              |   |  |
|--|------------|------------------------------|---|--|
| Command<br>487 - INTERNAL AFFAIRS BUREAU | Serial No. | I.A.B. Log No.<br>2020-15345 | I.A.B. Member Notified<br># - Det. Exil | Department Advocate's Office<br>Serial Number 2020-22176 |
|--|------------|------------------------------|---|--|

**TO THE POLICE COMMISSIONER:**

|                        |                                |   |                            |                               |
|------------------------|--------------------------------|---|----------------------------|-------------------------------|
| <b>I hereby CHARGE</b> | Rank-Title<br><b>POM</b>       | Name<br><b>MICHAEL SHER</b>             | Shield No.<br><b>07435</b> | Tax Reg. No.<br><b>951244</b> |
| Squad or Chart No.     | Command<br><b>070 PRECINCT</b> | Date Entered Dept.<br><b>07/06/2011</b> |                            |                               |

with VIOLATION OF DEPARTMENT REGULATIONS

**SPECIFICATIONS**

1 Said Police Officer Michael Sher, while assigned to the 70th Precinct, while on duty on or about May 30, 2020, within the confines of the 70th Precinct, wrongfully and without just cause used force against one or more people, including pulling down glasses or other eyewear or face masks, and spraying the faces of said people with oleoresin capsicum pepper spray, causing said people to suffer pain and injury.

P.G. #221-01

FORCE GUIDELINES

P.G. #221-02

TACTICAL OPERATIONS

P.G. #221-07

USE OF FORCE

P.G. #203-10, page #1, para. #5

TACTICAL OPERATIONS

USE OF OLEORESIN CAPSICUM PEPPER

SPRAY DEVICES

TACTICAL OPERATIONS

PUBLIC CONTACT - PROHIBITED CONDUCT

GENERAL REGULATIONS

**Instructions:** After all specifications are entered, list witnesses for the department. (If witness is civilian, enter name and address on Official Letterhead PD 158-151). If member of the force, give rank, name, shield number and command. Also indicate scheduled vacation (if any), chart, squad no., or working schedule of complainant, respondent and witnesses (if member of the department).

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**MB-078**

NYPD V. POLICE OFFICER MICHAEL SHER (951244) 2020-22176


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2. Said Police Officer Michael Sher, while assigned to the 70th Precinct, while on duty on or about May 30, 2020, having used force against one or more people, including pulling down glasses or other eyewear or face masks, and spraying the faces of said people with oleoresin capsicum pepper spray, wrongfully failed to obtain or to attempt to obtain any medical attention for any injured person, notify his immediate supervisor regarding his use of force and oleoresin capsicum pepper spray, document his use of force in his Activity Log, or prepare a "Threat, Resistance or Injury (T.R.I.) Interaction Report," as required.

P.G. #221-03, page #4, paras. #3, #4, & #5

P.G. #221-07, page #2, para. #10 & page #3, para. #11

REPORTING AND INVESTIGATION OF FORCE  
INCIDENT OR INJURY TO PERSONS DURING  
POLICE ACTION  
TACTICAL OPERATIONS  
USE OF OLEORESIN CAPSICUM PEPPER  
SPRAY DEVICES  
TACTICAL OPERATIONS

  
**LARRY D CHAMBERS**  
**DEPUTY INSPECTOR**

Confidential  
In Re: NYC Policing 2020  
Demonstrations  
No. 20 Civ 8924 (CM) (GWG)

**Instructions:** After all specifications are entered, list witnesses for the department. (If witness is civilian, enter name and address on Official Letterhead PD 158-151). If member of the force, give rank, name, shield number and command. Also indicate scheduled vacation (if any), chart, squad no., or working schedule of complainant, respondent and witnesses (if member of the department).

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**AB-073**

NYPD V. POLICE OFFICER MICHAEL SHER (951244) 2020-22176

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**1ST ENDORSEMENT**

**Executive Officer, IAB** \_\_\_\_\_ to the POLICE COMMISSIONER, June 19 2020, I  
concur with the issuance of charges and specifications.

  
Brian H. O'Neill  
Assistant Chief

**INSTRUCTIONS FOR SERVICE OF CHARGES AND SPECIFICATIONS**

1. Respondent will sign and complete where appropriate:
  - a. original charges and specifications
  - b. vacation and military leave form
  - c. two (2) copies of instructions and receipt of charges and specifications
  - d. agreement to accept service of notice form (when requested in suspension cases only).
2. Respondent will receive:
  - a. one (1) copy of charges and specifications
  - b. one (1) copy of instructions and receipt of charges and specifications form

**ACKNOWLEDGEMENT OF SERVICE**

I acknowledge due personal service on me of the within Charges and Specifications and notice of Hearing,  
this 6 day of July, 2020 at 0830 AM/PM

WITNESS

(Rank-Title)

RESPONDENT

(Rank-Title)

DATE STAMP

D.A.O.  
(Out)

CMD PREFER C & S  
(In) (Out)

HIGHER COMMAND  
(In) (Out)

D.A.O.  
(In)

2020 JUN 19 A R  
DEPT. ADVOCATES  
CHARGES UNIT  
NYPD

DEF\_000377226

Confidential  
In Re: NYC Policing 2020  
Demonstrations  
No. 20 Civ 8924 (CM) (GWG)

RECEIVED  
2020 JUN 19 A 9 27  
JUN 17 2020



**POLICE DEPARTMENT  
CITY OF NEW YORK**

**From:** Commanding Officer, Department Advocate's Office

**To:** Members of the Service Served with Charges and Specifications

**Subject: RESPONSIBILITIES AND INSTRUCTIONS FOR MEMBERS OF THE  
SERVICE WHO HAVE BEEN SERVED CHARGES AND SPECIFICATIONS**

1. The following responsibilities and instructions are for both for you and your attorney. Please read these instructions carefully as you are responsible for complying with all of the following directives. If you have questions regarding your disciplinary matter or these directives, you must consult with your attorney and NOT the Department Advocate's Office. You are NOT allowed to contact the Department Advocate's Office regarding your disciplinary matter with the exception of notification to the Department Advocate Trial Calendar Unit for any scheduling conflicts. To ensure the prompt and fair disposition of your disciplinary case, you are directed to comply with the directives of this memorandum.

2. You should notify your Commanding Officer of your pending disciplinary matter.

3. If your current assignment, squad, chart, and or vacation selection changes, or any other event occurs that would affect your scheduled conference, you are required to immediately notify the Department Advocate Trial Calendar Unit at 646 610-5147, and comply with directions received.

4. Below is the adjournment procedure regarding scheduled Department trials:

(A) All requests to adjourn a scheduled Department trial must be directed to the Office of the Deputy Commissioner, Trials at 646 610-5155. All adjournment requests are subject to approval by the Deputy Commissioner, Trials.

(B) Scheduled trial dates will not be adjourned unless good cause is demonstrated.

(C) Objections to a potential trial date are to be raised at the scheduling conference. If after the conference, exigent circumstances arise, your attorney must immediately submit a written request to the Deputy Commissioner, Trials, for a schedule change.

- (D) If you fail to appear at a Hearing personally or by authorized representative, without good cause, the Deputy Commissioner, Trials may conduct a Hearing in your absence. If you do not appear, the Deputy Commissioner, Trials will determine whether to hold an Inquest Hearing or proceed upon written submissions of the parties. Additionally, the Deputy Commissioner, Trials may determine that no further proceedings are necessary.

5. Pursuant to New York City Administrative Code Sections 14-103 and 14-115, the Police Commissioner can impose penalties such as a reprimand, fine, loss of vacation days, suspension without pay, demotion in grade or title, or dismissal from service. Disciplinary penalties imposed as a result of either a Department trial, or an agreed to and Police Commissioner approved negotiated settlement, are separate and distinct from an administrative decision that may affect your transfer or reassignment. If you are a probationary or provisional member of the service being served with Charges and Specifications, it does not prohibit the Police Commissioner from terminating you without a Department trial.

I hereby acknowledge receipt of a copy of the Charges and Specifications for the disciplinary case enumerated below, along with a copy of this memorandum regarding the responsibilities and instructions, from the Department Advocate's Office.

7/6/20

Date

2020/22176

Disciplinary case number

7/6/20

Respondent's signature

Respondent's name (printed)

Vet [Signature]

Witness signature

Vet [Signature]

Witness name (printed)

REV: 08/2016

DEF\_000377229